

## SUMMARY

The San Joaquin River is a prized natural resource that requires protection and preservation for the enjoyment of all. As evidenced by the fire last summer that originated from the river bottom and damaged many properties near the bluffs, this area faces unique safety and environmental challenges that threaten the integrity of the natural landscape and the safety of Fresno's citizenry. In addition, the multi-jurisdictional character of the area also renders law enforcement in the territory complex and at times ambiguous. Ultimately, the River Bluff area needs comprehensive and cross-jurisdictional legislation that addresses the specific challenges of policing a multi-jurisdictional area to ensure public safety and the protection of natural resources.

To begin addressing these challenges, a uniform City ordinance has been created to regulate activity and facilitate the enforcement of laws within the City of Fresno's territory in the River Bluff area. The *San Joaquin River & Bluff Protection Initiative* ordinance is intended to facilitate, clearly delineate, and streamline the enforcement of laws, as well as apply a clear set of regulations for the City territory in the River Bluff area, all of which are oriented toward making our natural resources safe and enjoyable for all.

The "*San Joaquin River & Bluff Protection Initiative*" (*SJRBPI*) provides the following provisions:

- Hours of Use:
  - Establishes the hours of use as Sunrise to 10:00 p.m. (March - October)  
Sunrise to 6:00 p.m. (November - February)
- Prohibits, with certain limited exceptions, the following:
  - Vehicular access;
  - Overnight camping;
  - Disposing of any garbage;
  - Fires, open flames, and barbecues;
  - Possession or use of fireworks;
  - Entering, remaining, or loitering outside designated hours of use;
  - Discharging of firearms, bows, or other weapon projectiles;
  - Removal or disturbance of flora, fauna, and natural objects; and
  - Removing or tampering with any official sign, gate, or garbage can.
- Establishes penalties for violating any of the above provisions:
  - Misdemeanor; or
  - Administrative Citation.

Furthermore, the *SJRBPI* addresses defensible space requirements.

- Establishes "firebreaks"- an area of land within thirty (30) feet of an occupied dwelling and structure in which dangerously flammable vegetation or other combustible growth is to be removed and cleared away (*See Appendix A*).

- *It is anticipated that Phase II implementation will establish “reduced fuel zones” that will consist of an area between thirty (30) feet and one hundred (100) feet of an occupied dwelling and structure, or up to the owner’s property line, whichever is less, in which dangerous brush, flammable vegetation or combustible growth is to be removed (See Appendix A).*
- Legally classifies the following as a *Public Nuisance*, according to Fresno Municipal Code § 10-605, and therefore prohibits:
  - Dangerous accumulation of dead or dying tree branches adjacent, beneath, or overhanging a structure;
  - Dangerous accumulation of leaves, needles, or dead vegetative growth on the roof of any structure;
  - Dangerously flammable vegetation or other combustible growth within thirty (30) feet of an occupied dwelling and structure that prevents the creation of a firebreak;
  - Brush or other flammable material within ten (10) feet of a propane tank.
- Does not require any person to maintain any clearing on any land if that person does not have the legal right and obligation to maintain the clearing.
- Exempts areas of land or water that are acquired or managed for any of the following purposes or uses: habitat for endangered species, habitat for wildlife, plant, or animal communities, lands that are considered environmentally sensitive parklands, or lands having scenic values, as declared by the local agency or by state or federal law.

The *SJRBPI* also directs the City of Fresno staff to work in coordination with all relevant stakeholders and entities to develop formal and sustainable policies for the following:

- Public Safety Partnerships and Agreements
  - jurisdiction, equipment, community outreach, budget;
- Signs, Gates and Garbage Cans
  - installation, location, maintenance and budget;
- Defensible Space Requirements
  - installation, location, maintenance and budget; and
- Community Watch Program (*see Anticipated Additional Research and Programs*).

Finally, the *SJRBPI* provides for the Fresno City Council to examine the progress, deficiencies, and effectiveness of the program after One (1) Year, or at any time deemed necessary.